IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDiGARH

CWP No. 5687 of 2006

Date of decision 7.5.2007

Mukesh Kumar Gupta .. petitioner

Versus

Chairman, Pepsu Ropad Transport Corporation Patiala and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

PRESENT: Mr.RS Chauhan, Advocate for the petitioner

Mr. R.S.Ahluwalia, Advocate for the respondents

M.M.Kumar, J.

The prayer made in this petition filed under Article 226 of the Constitution is for quashing order dated 30.3.2006 (Annexure P.6) whereby the claim of the petitioner for reimbursement of expenses incurred by him on his medical treatment has been rejected for the reason that the medical bill on account of complicated disease as out door patient is not to be reimbursed because the respondent- corporation has not adopted the government instructions on the subject. It is undisputed that the petitioner had suffered complicated chronical disease and was admitted in Escort Heart Institute and Research Centre, New Delhi where he underwent CAD

and Bye-pass heart surgery. He remained in the hospital from 16.3.1999 to 6.4.1999 and spent a sum of Rs. 2,40,000/- on his treatment. Accordingly, he submitted his medical bill to the corporation for reimbursement and only an amount of Rs. 1,02,900/- was reimbursed and the claim for rest of the amount was rejected. The petitioner also submitted medical bill for the post indoor treatment amounting to Rs.47,644/- which has also not been reimbursed. He represented by placing reliance on instructions dated 1.9.2000 (Annexure P.1) and 21.7.2004 (Annexure P.3) issued by the State of Punjab which contemplate reimbursement of all medical expenses incurred by the patient which includes even the expenses of outdoor treatment. The later instructions dated 21.7.2004 (Annexure P.3) which restricts the limit of reimbursement upto Rs. 6000/- was removed and full reimbursement of medical bills had been made admissible.

The matter is no longer res-integra as in similar facts and circumstances, this Court after considering the instructions dated 1.9.2000 and other subsequent instructions has held that an employee is entitled to reimbursement of medical bills incurred by him on treatment of his complicated chronic disease. The views of the Division Bench is based on various judgements of the Hon'ble Supreme Court in the cases of Chameli Singh v. State of UP (1996)2 SCC 549, All India Imam Organisation and others v. Union of India and others (1993) 3 SCC 584 and other cases. We are further of the view that the issue is also covered by another judgement of the Hon'ble Supreme Court in the case of Surjit Singh v. State of Punjab 2005(2) SCT 136.

In view of the above, the writ petition succeeds and we direct the respondents to reimburse the amount spent by the petitioner on

treatment of his complicated chronic disease within a period of one month from the date of receipt of certified copy of this order.

(M.M.Kumar)
Judge

(Rajesh Bindal)
Judge

7.5.2007
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